IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.937 OF 2000.

Intelligence Officer
Directorate of Revenue Intelligence ..Applicant
V/s
Mohammed Nisar Holia & Anr. ..Respondent.

Mr. J.C. Satpute for the applicant
Mr. P.A. Pol,APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 20TH OCTOBER, 2006.

P.C.

. Although this application is shown for compliance with the office objection about notice to respondent NO.1. Mr. Satpute appearing for the applicant states that the respondent NO.1 pursuant to his conviction and sentence in the Special Case vide a Judgment and order dated 17th August, 1999 is absconding from prison. Several attempts were made to trace out him but applicant could not traced his whereabouts. Yeravada Jail Authorities, so also Tihar Prison Authorities were not able to furnish any details. Mr. Satpute further makes a statement on instructions from Directorate of Revenue Intelligence that the amount of Rs. 4 lakhs which is deposited in the trial Court has

not been returned to the accused-respondent No.1 despite clear directions in the Trial Court order to that effect. He states that the order was passed on 17th August, 1999. The cash of Rs. 4 lakhs was to be returned to the accused. However, from 17th August, 1999 till thid date the amount is lying in the Trial Court and is not collected by the respondent No.1-accused.

2. In the above circumstances which are peculiar to the present case, I am of the view, that interest of justice would be subserved if this application is disposed of by granting liberty to the applicant before me to apply to the learned Special Judge, N.D.P.S., Court, Brihan Mumbai, for return of the cash amount of Rs. 4 lakhs deposited with it. The learned Judge after taking appropriate steps should allow the applicant to withdraw the amount.

3. The application is disposed of and the Learned Special Judge to permit the applicant to withdraw the said amount on obtaining appropriate securities within a period of 2 weeks from the date of the application in that bahalf.

(S.C. DHARMADHIKARI, J.)